

ERASTUS WIMAN'S LETTER ADMITTING FORGERY ALLOWED IN EVIDENCE.

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DUN'S HEART WAS STEELED, THOUGH.

Many Objections Raised, as It Was Said to Be a Privileged Communication.

THE PROSECUTION RESTS ITS CASE.

Wiman's Ordinal on the Stand as He Faced His Accuser, Whose Enormous Fortune He Had Built.

The trial of Erastus Wiman on the charge of forgery reached a critical stage yesterday. In the examination incidental to the selection of the jury, in the opening address of Assistant District Attorney William, and even in the testimony of Mr. E. W. Bullinger, whose indorsement on a check Mr. Wiman is charged with having forged, although many objections were raised, as it was said to be a privileged communication.

Up to the opening of the court yesterday the case was in a condition that might be characterized as ineffectually harmful to the reputation of a prominent man of affairs. Yesterday, however, the action began to narrow. Issues were joined with a vicious click that meant separation only at the hands of a jury. Teeth that had heretofore been momentarily displayed through the partings of lips in sarcastic smiles were now visible for longer periods, and the lips themselves were set in a grimace of defiance. There was a trace to all courtesy and politeness. An ex-member of one of the most famous law firms of New York went upon the stand and was worried by his former partners. R. G. Dun, the several times millionaire, left his seat among the spectators, and with apologetic features, took a seat near the defendant, where he could glare at him. Albert H. Boardman lost his temper completely, and came within an ace of a physical encounter with a former friend and partner. The defendant, Wiman, went through every possible degree of human emotion, now turning a lobster red, now blanching to unearthly white; his honor, the Judge, became restless, and the only individual who was really self-composed throughout the proceedings was Assistant District Attorney William.

The trouble began when Mr. William, shortly after the opening of the court, sought to spread upon the records a letter written by Mr. Wiman to Mr. Dun, on Feb. 20, 1892. Objection was instantly raised by Gen. Tracy and Mr. Boardman, while Queen's Counsel, Greenshield, also involuntarily arose from his seat in mute but eloquent protest. It was, of course, instantly overruled through the court room that this was the famous "letter of confession" which, when Mr. Wiman was really self-composed, he had written. Gen. Tracy obtained the ear of the court, and he asked that the letter be read, first, on the ground that it was written by Mr. Wiman on the advice of his counsel, and second, that it was written and signed by Mr. Wiman in consequence of assurances that it would be better for him to do so, and that if he did so no proceedings would be taken against him.

MR. WILLIAM READS THE LETTER.

either civil or criminal. The Judge decided that both Mr. Wiman and Mr. McFarland might be called to test the question as to the admissibility of the letter in evidence, and Mr. William at once detached a messenger for Lawyer McFarland.

A BAD MEMORY SOMEWHERE.

All this occurred while Mr. Robert D. Douglass, one of the counsel for Mr. Wiman in the firm of R. G. Dun & Co., was on the stand. Pending the arrival of Lawyer McFarland, Douglass acted as counsel for the defendant, took Mr. Douglass in hand. The latter is a little man with prematurely gray hair. Mr. Boardman is large and tall, his eyes glowered at the witness as he addressed him.

"Don't you remember," asked Mr. Boardman, "that one day when I called at the office of R. G. Dun & Co., and went to the safe and got the check upon which Mr. Wiman indorsed the name of C. F. Bullinger, and showed it to me, saying at the same time that you did so in order that I might know that kind of a reason Wiman was and might cease to be his friend?" Mr. Douglass replied that he had no recollection of the matter.

Mr. Boardman looked ominous, and drew himself to still greater height, as he thrust forward his face and asked Mr. Wiman's lawyer as being responsible for Mr. Dun's prosecution of Wiman. "Don't you remember," he asked, "that you took your desk on leaving the office of R. G. Dun & Co. that day, and while you were putting the check in your pocket, you said to me, 'I wish that—' Mr. Wiman was in the room?"

All the color flew out of the cheeks of Mr. Douglass as he replied: "I never said such a thing in my life about any one else; now, do you hear that?"

Mr. Boardman was breathing heavily, and so was the witness. The jury at the same time was looking as if for the first time they were taking an interest in its money's worth. The Judge rapped his gavel and Gen. Tracy, who never becomes unduly excited, arose and called Mr. Wiman to the stand. It was expected that this was only to be questioned at this time concerning the admissibility of the letter which the District Attorney had offered, and that the cross-examination by Mr. William should be confined to that one point.

Mr. William rested under the restriction and wanted an assurance that if

not allowed to cross-examine Mr. Wiman at this point he (Mr. Wiman) should be called to the prosecution again, so that he might cross-examine him on the main issue.

BELLIGERENT MR. WILLIAM.

"I would like to talk to him for about four hours," said the belligerent Mr. William.

"Oh, you'll probably have an opportunity," said Gen. Tracy calmly.

Mr. Wiman had in the meantime reached the chair. He was very red and apparently uneasy. He said that he had known Lawyer McFarland for twenty years and had always regarded him as a friend. Shortly after his rupture with Dun & Co. he was called to the stand and had assured him that if he would write a certain sort of letter to Mr. McFarland in effect stating the letter, that in he selected terms to be used in writing it, and he asked with much emphasis that he would not have written it except under the assurance of Mr. McFarland, whom he believed to be a friend, that it was the best thing he could do.

Mr. William at the conclusion of this testimony said that he did not care to cross-examine on this point, he was of the opinion that the jury could get a better idea of the truth or falsity of Mr. Wiman's plea by listening to Mr. McFarland. Lawyer McFarland then took the witness stand. He looked a good deal like United States Senator Murphy and had a double bass voice. He is the son of a clergyman. He denied in toto that he had ever told Mr. Wiman what sort

of a letter to write to Mr. Wiman. As counsel for R. G. Dun & Co. he had gone to Wiman after the discovery of the forgery, and he had asked him to write a letter to Mr. Dun and confess just how he stood, but he had not succeeded in getting anything as to the wording of the letter.

GEN. TRACY OBJECTS.

The cross-examination of this disfigured witness by Gen. Tracy was deeply interesting, through the fact that up to a comparatively short time ago they were both members of the same legal firm. Gen. Tracy said that he had written to Mr. Wiman that if he would write to Mr. Dun the letter he did write it would compose the difficulty between them.

NEITHER AND NITHER.

"I did not," replied the witness.

"No sir," replied Mr. Tracy.

"Neither," said Mr. McFarland, and even the Court could not refrain from joining in the general laugh that followed.

But Mr. Wiman did not laugh. He seemed, first of all present in the court room, to perceive that his counsel's efforts to keep from the jury his letter of confession had failed. He had been hinted, but the text of which has never been made public had failed. He also perceived that his counsel's efforts to keep from the jury his letter of confession had failed. He had been hinted, but the text of which has never been made public had failed.

But in deciding the vital question whether to admit Mr. Wiman's letter of confession he swept a good many points of the compass. Finally he got to the exact point of the compass, the stern voice, "I will overrule the objection and admit the letter."

The Court then read the letter with a type-written copy of this criminal document in his hand. To Gen. Tracy he handed the original letter, requesting him to be good enough to follow him as he read it. The letter was read, and it might be made in the transcription. Mr. Wiman is sometimes dramatic. He was very dramatic yesterday. He

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cent such as in your abundant charity and goodness of heart you may in mercy extend to me.

For the sake of my dear wife and children, and for the sake of the long service rendered to you, I beg that your heart may still be softened in my favor, and that I may not be made to suffer the penalty of my offense. Respectfully,

ERASTUS WIMAN.

During the reading of this letter Mr. Wiman, surrounded as he was by a hundred friends, underwent suffering the acuteness of which it was impossible for him to disguise. His right arm and left arm were raised and he was lifted up as if he were a feather. On all parts of his features not concealed by the hand the flush of deep redness, extending to his scalp. It was an awful sight, and it was who up to within a few months has stood head and shoulders above his fellows.

When Mr. William finished the reading he hesitated a moment, and then said dramatically: "The people feel."

Gen. Tracy was on his feet in an instant. It seemed almost as though his bustling activity was directed toward the arousing of his friend and client. His first motion was that all testimony in relation to the checks signed by Wiman other than the checks directly issued, and including the check for \$125,000, given to R. G. Dun & Co., should be stricken out. It was an awful sight, and it was who up to within a few months has stood head and shoulders above his fellows.

Then Gen. Tracy made a formal motion for the dismissal of the first count of the indictment. For just one hour he argued in support of the state-ment of the fact that in drawing a check R. G. Dun & Co. as Wiman had a right to do, and in putting the name of R. W. Bullinger on its back no offense of for-

At 8.15 the procession of students was formed and marched down the middle aisle of the auditorium to the stage, and the exercises were opened with prayer by Rev. Cornelius R. Duffie, chaplain emeritus of the college, after which a fine orchestra, placed far back on the stage, played a selection. Then the long and rather tedious programme of presentation began. First came the bachelors of arts, of whom there were fifty-eight, from Columbia College proper, and senior women from Barnard College. These last were Evangeline Rollinson, Brigitt, Ella Fitz-Gerald, Bryson, Helen Blodgett Crocker, Estella Demarest, Agnes Irwin, Ella Jane Jones and Laura Landay.

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